

**IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPEAL NO. 7 OF 2003**

**MARJORIE MARIGU SAIDI APPELLANT
VERSUS
CHRISTINE ANYANGO OKOTH RESPONDENT**

(An Appeal from the ruling of Senior Principal Magistrate, Mrs Omondi, sitting at Milimani Commercial Courts Nairobi delivered on the 13th day of/December 2002)

R U L I N G

Much has been brought to my attention during the hearing of this Notice of Motion dated 14th February 2003 but pressure of work does not permit me to say as much.

In short therefore, technically I should have dismissed this Notice of Motion. But on humanitarian grounds, I do hereby allow the Notice of Motion in terms of prayer number (ii) so that execution of the exparte judgment dated 7th June 2002 is stayed pending the hearing and determination of this appeal which should keenly be pursued to avoid delay.' Costs of the notice of Motion to be in the cause.

Order accordingly.

Dated this 5th day of June 2003.

**J.M. KHAMONI
JUDGE**